

FINDINGS

Planned Development PD19-0003/Diamond Village Apartments Planning Commission/September 26, 2019

1.0 CEQA FINDINGS

- 1.1 This project has been found to be Statutorily Exempt from the requirements of CEQA pursuant to Section 15268, Ministerial Projects. As discussed in the findings below the project has been found to be consistent with the requirements set forth in Senate Bill 35 making the project ministerial. The project proposes the construction and operation of ten multi-unit residential buildings and one community building totaling 80 multifamily residential units and one on-site manager unit with associated parking and facilities.
- 1.2 The documents and other materials which constitute the record of proceedings upon which this decision is based are in the custody of the Planning and Building Department, Planning Services Division, at 2850 Fairlane Court, Placerville, CA, 95667.

2.0 GENERAL PLAN FINDINGS

2.1 The project is consistent with General Plan Policy 2.2.1.2.

Policy 2.2.1.2 identifies that the Multifamily Residential (MFR) land use designation identifies those areas suitable for high-density, single family and multifamily design concepts such as apartments, single-family attached dwelling units, and small-lot single-family detached dwellings. Lands identified as MFR shall be in locations with the highest degree of access to transportation facilities, shopping and services, employment, recreation and other public facilities. The minimum allowable density is five dwelling units per acre, with a maximum density of 24 dwelling units per acre. Except as provided in Policy 2.2.2.3, this designation is considered appropriate only within Community Regions and Rural Centers.

Rationale: The project proposes the construction of ten multifamily residential buildings consisting of a total 80 residential units as well as a community building with one site manager unit. The project would be at a density of 11 units per acre. The site is within the Diamond Springs community region of the county. The proposed project is compatible with the land use designation and existing similar uses in the area.

2.2 The project is consistent with General Plan Policy 2.2.3.1.

General Plan Policy 2.2.3.1, the Planned Development overlay, shall allow residential, commercial, and industrial land uses consistent with the density specified by the underlying zoning district with which it is combined. Primary emphasis shall be placed on furthering uses and/or design that (1) provide a public or common benefit on- or off-site, (2) cluster intensive land uses or lots to conform to the natural topography, (3) minimize impacts on various natural and agricultural resources, (4) avoid cultural

resources where feasible, (5) minimize public health concerns, (6) minimize aesthetic concerns, and (7) promote the public health, safety, and welfare.

Except as otherwise provided, residential Planned Developments shall include open space lands comprising at least 30 percent of the total site which may be owned in common, by easement or fee title, by the homeowners or may be dedicated to a public agency. The following are exempt from the open space requirement:

- A. Condominium conversions,
- B. Residential Planned Developments consisting of five or fewer lots or dwelling units,
- C. Infill projects within Community Regions and Rural Centers on existing sites 3 acres or less are exempt from the open space requirement,
- D. Multi-Family Residential developments, and
- E. Commercial/Mixed Use Developments

Rationale: The project is a multifamily residential development, thus precluding the project from the open space requirements. The project was reviewed by the Diamond Springs-El Dorado Community Advisory Committee (DS-ED CAC) on July 10, 2019 (Exhibit M), during which no aesthetic or architectural concerns were made. No cultural resources have been identified on site and no public health concerns were acknowledged. The project is an affordable housing development with an art room and two playgrounds, thus the project supports public health, safety, and welfare.

2.3 The project is consistent with General Plan Policy 2.2.5.21.

General Plan Policy 2.2.5.21 requires that development projects be located and designed in a manner that avoids incompatibility with adjoining land uses.

Rationale: The project site is surrounded by to the east, west and south by multi-unit residential developments similar to the proposed planned development. The proposed residential densities are similar to those surrounding the site, and use is consistent and compatible with the development pattern in the immediate surroundings.

2.4 The project is consistent with General Plan Policy TC-Xa.

According to Policy TC-Xa, the following policies shall remain in effect indefinitely, unless amended by voters:

1. Traffic from residential development project of five or more units or parcels of land shall not result in, or worsen, Level of Service F (gridlock, stop-and-go)

traffic congestion during weekday, peak-hour periods on any highway, road, interchange or intersection in the unincorporated areas of the county.

2. The County shall not add any additional segments of U.S Highway 50, or any other highways and roads, to the County's list of roads from the original Table TC-2 of the 2004 General Plan that are allowed to operate at Level of Service F without first getting the voters' approval.
3. Developer paid traffic impact fees combined with any other available funds shall fully pay for building all necessary road capacity improvements to fully offset and mitigate all direct and cumulative traffic impacts from new development during peak hours upon any highways, arterial roads and their intersections during weekday, peak hour periods in unincorporated areas of the county. This policy shall remain in effect until December 31, 2018.
4. *Intentionally blank* (Resolution 159-2017, October 24, 217)
5. The County shall not create an Infrastructure Financing District unless allowed by a 2/3rds majority vote of the people within that district.
6. *Intentionally blank* (Resolution 159-2017, October 24, 217)
7. Before giving approval of any kind to a residential development project of five or more units or parcels of land, the County shall make a finding that the project complies with the policies above. If this finding cannot be made, then the County shall not approve the project in order to protect the public's health and safety as provided by state law to assure that safe and adequate roads and highways are in place as such development occurs.

Rationale: The project is a planned development to construct 11 buildings consisting of 80 multifamily residential units plus one on-site managerial unit. A transportation impact study dated March 2017 (Exhibit L) was prepared for the project by Fehr & Peers. The transportation impact study identifies two intersections currently operating at Level of Service (LOS) F that would be significantly worsened by the project. The project is required to mitigate the impacts to the worsened intersections as seen in the Conditions of Approval. The project does not add any road segments to U.S. Highway 50 or to any of the roads listed in Table TC-2. The project will be required to pay Traffic Impact Mitigation (TIM) fees. As an affordable housing project TIM fee offsets are available. On February 14, 2017, under PD17-0002, the Board of Supervisors awarded the project a Traffic Impact Mitigation (TIM) Fee Offset for Affordable Housing in the amount of up to \$1,463,200, which represents 100 percent of the TIM Fee amounts for the 80 affordable housing units.

2.5 The project is consistent with General Plan Policy TC-Xd.

General Plan Policy TC-Xd identifies that for County-maintained roads and state highways within the unincorporated areas of the county shall not be worse than LOS E in the Community Regions except as specified in Table TC-2.

Rationale: The project is within the Diamond Springs Community Region. Identified by Table TC-2, there are two roads within the project vicinity that are allowed to operate at LOS F, Pleasant Valley Road from El Dorado Road to State Route 49, and Missouri Flat Road from U.S. Highway 50 to China Garden Road. With the exception Missouri Flat Road and Pleasant Valley Road, the project would not significantly worsen any county roads to below LOS E.

2.6 The project is consistent with General Plan Policy HO-1.5.

General Policy 1.5 directs higher density residential development to Community Regions and Rural Centers.

Rationale: The project is a multi-unit residential development within the Community Region of Diamond Springs.

2.7 The project is consistent with General Plan Policies HO-1.6 and HO-18.

General Plan Policies establish that the county shall encourage and establish incentive programs for very-low, low, and moderate income affordable housing.

Rationale: The project developer has obtained approval from the Board of Supervisors of a Traffic Impact Mitigation (TIM) Fee Offset for Affordable Housing on February 14, 2017. The offset is an incentive for affordable housing projects and was awarded in the amount of up to \$1,463,200, which represents the entirety of the TIM Fee for the 80 affordable housing units for the applicable TIM fee zone (Exhibit N).

2.8 The project is consistent with General Plan Policies HO-1.7 and HO-1.16.

These General Plan Policies establish that affordable housing projects shall be given discretionary priority and minimized discretionary review requirements.

Rationale: Though the project is considered ministerial under Senate Bill 35 (SB 35), the processing of the Planned Development Permit has been given priority and is subject to streamlining under SB 35.

2.9 The project is consistent with General Plan Policy HO-1.9.

General Plan Policy HO-1.9 establishes that the county shall work with local community, neighborhood, and special interest groups in order to integrate affordable workforce housing into a community.

Rationale: On July 10, 2019 the project was reviewed by the Diamond Springs-El Dorado Community Advisory Committee. The DS-ED CAC expressed concerns regarding traffic impacts and wanted the emergency vehicle access to Black Rice Road opened up to full access.

2.10 The project is consistent with General Plan Policy 5.2.1.2.

General Plan Policy 5.2.1.2 requires that adequate quantity and quality of water for all uses, including fire protection, be provided with proposed development.

Rationale: The project would connect to existing EID public water system. A Facilities Improvement Letter (FIL) dated March, 21, 2017, identified an 8 inch EID water line traversing the property and within Black Rice Road. A connection would need to be constructed to these water facilities.

2.11 The project is consistent with General Plan Policy 5.3.1.1

General Plan Policy 5.2.1.2 requires that multifamily residential projects may be required to connect to public wastewater collection facilities if reasonably available.

Rationale: The project would connect to existing EID public wastewater sewer system. A Facilities Improvement Letter (FIL) dated March, 21, 2017, identified a 6 inch EID sewer line traversing the property. A connection would need to be constructed to these water facilities.

2.12 The project is consistent with General Plan Policy 6.2.2.2.

Policy 6.2.2.2, Wildland Fire Hazards, requires that the County preclude development in high and very high wildland fire hazard areas unless such development can be adequately protected from wildland fire hazards, as demonstrated in a Fire Safe Plan and approved by the local Fire Protection District and/or CALFIRE.

Rationale: The property is located in a Moderate Fire Hazard Zone, therefore a fire safe plan is not required and the project is in compliance with this policy. Additionally, the project has been reviewed by the Diamond Springs El Dorado Fire Protection District.

2.13 The project is consistent with General Plan Policy 6.2.3.2.

Policy 6.2.3.2, Adequate Access for Emergencies, requires that the applicant demonstrate that adequate access exists, or can be provided to ensure that emergency vehicles can access the site and private vehicles can evacuate the area.

Rationale: Both the Diamond Springs Fire District and CALFIRE reviewed the application materials and would not require additional site access or improvement to the existing roads. The project is in compliance with this policy.

2.14 The project is consistent with General Plan Policy 6.7.2.5.

Policy 6.2.3.2, upon reviewing projects, the County shall support and encourage the use of and facilities for alternative-fuel vehicles to the extent feasible.

Rationale: The project has been reviewed by the Air Quality Management Division and is required to have a minimum of three percent of the total parking spaces, to be capable of supporting future electric vehicle supply equipment as delineated by Condition of Approval 53.

2.15 The project is consistent with General Plan Policy 7.1.2.1.

General Plan Policy 7.1.2.1 directs that development or disturbance shall be restricted on slopes exceeding 30 percent unless necessary for access.

Rationale: The area proposed for new development is in an area that is relatively flat and avoids any steep slopes of 30 percent. The project is in compliance with the policy related to steep slopes.

2.16 This project is consistent with General Plan Policy 7.4.4.4.

General Plan Policy 7.4.4.4 requires all new non-exempt development project that would result in impacts to oak resources must adhere to the standards of the Oak Resources Management Plan (ORMP).

Rationale: The proposed project includes the removal of individual oak trees. The Oak Resources Management Plan (ORMP) allows for the exemption of mitigation fees for Affordable Housing Project based upon the percent of low-income and very low-income affordable housing units. As the project is proposing 100 percent of units to be made affordable to low-income and very low-income families, 100 percent of the oak tree impacts would be exempted with the exception of impacts to Valley Oaks (*Quercus lobata*) and heritage trees (oak trees 36 inches diameter at breast height or greater). The project is proposing impacts to seven valley oaks including three multi-trunk trees with cumulative diameters greater than 10 inches.

Applicable in-lieu mitigation fees will be collected prior to building and grading permit issuance.

3.0 ZONING FINDINGS

3.1 The proposed use is consistent with Title 130.

The parcel is zoned Multi-unit Residential (RM). The project has been analyzed in accordance with Zoning Ordinance Section 130.28.210 (Development Standards) for minimum lot size, widths and building setbacks.

Rationale: The proposed project is consistent with the Multi-unit Residential-Planned Development (RM-PD) zoning designation. The project has been analyzed in accordance with Zoning Ordinance Section 130.24.030 (Development Standards) for minimum lot size, dimensions, height and building setbacks. Setbacks within the RM zone are 20 feet for the front setback, five feet for the side setback, and 10 feet for the rear setback, with fire safe setbacks of 30 feet for properties over one acre in size. The project, as proposed and conditioned, is consistent with the Zoning Ordinance, because the planned development has been designed to comply with the applicable development standards of the RM-PD as provided within Section 130.24.30 of the County Code.

3.2 The proposed project is consistent with Chapter 130.28: Planned Developments.

Chapter 130.28 of the Zoning Ordinance establishes standards for Planned Developments.

Rationale: The project has been analyzed in accordance with Section 130.28.050 (Residential Development Requirements) of the Zoning Ordinance. Projects zoned Multi-unit Residential (RM) is exempt from the 30 percent on-site open space requirements. A lawn area is proposed for the project. The project is a multifamily residential development on a RM zoned parcel section, which precludes the project from the 30 percent on-site open space requirements.

3.3 The proposed project is consistent with Chapter 130.31: Affordable Housing Density Bonus.

Chapter 130.31 of the Zoning Ordinance identifies density bonuses, incentives and concessions for affordable housing developments.

Rationale: The project proposes to restrict 80 rental units for 55 years for very-low and low-income tenants (earning 50% to 20% of the Area Median Income). The project meets the minimum requirements to qualify as affordable housing, per Section 130.31.030, as the project provides at least

five percent of the total number of proposed units for very low income households and at least 10 percent of the total number of proposed units for lower income households. This allows the project reductions in site development standards or a modification of the zoning code requirements.

3.4 The proposed project is consistent with Chapter 130.34: Outdoor Lighting.

Chapter 130.34 of the Zoning Ordinance identifies standards for the elimination of excess nighttime light and glare.

Rationale: The project has prepared a Photometric Study and Proposed Fixtures (Exhibit I). Proposed light fixtures would be adequately shielded as shown in Condition of Approval 5.

3.5 The project is consistent with Chapter 130.35: Off-Street Parking and Loading.

Chapter 130.35 of the Zoning Ordinance establishes off-street parking and loading requirements for residential developments.

Rationale: Multi-unit residential developments are required a minimum of 1.5 parking spaces per unit for studio/one bedroom units. Two bedroom and greater units are required to provide two spaces, with a minimum of one covered, per unit, plus one guest parking space per every four units. The project proposes 20 one bedroom units and 61 units with two bedrooms or more. Pursuant to Chapter 130.35 of the El Dorado County Zoning Ordinance the project would be required to provide 174 parking spaces, of which 61 would need to be covered. Projects consistent with the provisions of Senate Bill 35 cannot have parking standards imposed when located within one-quarter mile of transit facilities. There is an El Dorado Transit stop located approximately 400 feet to the south of the project site, thus under SB 35 no parking requirements can be required. Regardless of SB35 the project is proposing 179 parking spaces of which 62 would be covered, 12 would be compact and 7 would be accessible, thus making the project voluntarily compliant with the parking requirements of the El Dorado County Zoning Ordinance.

4.0 SENATE BILL 35 FINDINGS

4.1 Has the California Department of Housing and Community Development (HCD) determined that the local agency is subject to SB35?

Rationale: The local agency (El Dorado County) has been determined to be subject to SB 35 by the HCD (Exhibit Q).

4.2 Is the project a multifamily housing development (2 or more units)?

Rationale: The project is a multiunit residential development consisting of 80 residential units and one onsite managerial unit.

4.3 Has the applicant dedicated the applicable minimum percentage (50%) of units in the project to households making below 80% of the area median income?

Rationale: As proposed the project will restrict the 80 rental units to very-low and low income tenants earning 50% to 20% of Median Family Income. One hundred percent of the units are dedicated to households making below 80% of the area median income.

4.4 Does at least 75% of the perimeter of the site adjoin parcels currently or formerly developed with “urban uses”?

Rationale: SB 35 refers to “urban uses” as any current or former residential, commercial, public institutional, transit or transportation passenger facility, or retail use, or any combination of those uses. Parcels to the south, southeast and west are developed with multiunit residential uses and to the north and northeast by single-family residential development. All surrounding parcels are within the El Dorado-Diamond Springs Community Region and within the Placerville-Diamond Springs Urban Cluster (Exhibit R). By the definitions set forth by SB 35 the project is surrounded on all sides by urban uses.

4.5 If the site is in an unincorporated area, is the parcel entirely within the boundaries of an “urbanized area” or “urban cluster”?

Rationale: The Census Bureau defines “urbanized areas” as areas of 50,000 or more people and “urban clusters” as an area of at least 2,500 people and less than 50,000 people. “Rural” areas encompass all population, housing, and territory not included within an urban area or cluster. The project site is located entirely within the Placerville-Diamond Springs Urban Cluster (Exhibit R).

4.6 Does the site have either zoning or a general plan designation that allows for residential use or residential mixed-use development?

Rationale: The project parcel is split zoned Multi-Unit Residential-Planned Development (RM-PD) and Residential Estate Five Acres-Planned Development (RE-5-PD) (Exhibit D) with a general plan land use designation of Multifamily Residential (MFR) and Medium Density Residential (MDR) (Exhibit C). The entirety of the project is located upon the RM-PD zoned portion of the project. Multi-unit residences are allowed

within the RM-PD zoning designation. The project consistent with the MFR general plan land use designation.

4.7 Does the project not involve a subdivision of land?

Rationale: The project does not involve the subdivision of land.

4.8 Does the project meet density requirements, “objective zoning standards,” and “objective design review standards”?

Rationale: The Multifamily Residential (MFR) land use designation (Exhibit C) has a minimum density requirement of five units per acre and a maximum density requirement of 24 units per acre. The project meets these standards, proposing 11 units per acres.

4.9 Is the project outside of the following area?

a. Coastal zone

Rationale: The project is not located within a coastal zone.

b. Prime farmland or farmland of statewide importance

Rationale: The project is not located on prime farmland or farmland of statewide importance (Exhibit S)

c. Wetlands as defined under Federal law

Rationale: The project would not encroach into any wetlands as identified within the Wetland Delineation prepared by Ecosynthesis Scientific & Regulatory Services (Exhibit V). Additionally, the wetland identified onsite is non-jurisdictional under Federal law.

d. Earthquake fault zone

Rationale: According to the California Department of Conservation of Mines and Geology there are no Alquist-Priolo fault zones within the west slope of El Dorado County, which includes the project. The project is not within a fault zone.

e. High or very high fire hazard severity zones

Rationale: The project is located within a moderate fire hazard zone (Exhibit U).

f. Hazardous waste site

Rationale: The project site is not included on a list of or near any hazardous materials sites pursuant to Government Code section 35962.5.

g. FEMA designated flood plain or floodway

Rationale: The project parcel is located within flood zone X (Exhibit T) and is not within any FEMA designated flood plain or floodway.

h. Protected species habitat

Rationale: The project is not within any protected species habitat identified by the El Dorado County General Plan Draft EIR. Additionally, a biological study prepared by Ecosynthesis Scientific Regulatory Services did not identify any protected species habitat (Exhibit V).

i. Lands under a conservation easement

Rationale: The project parcel is not under a conservation easement.

j. Land designated for conservation in a habitat conservation plan

Rationale: The project parcel is not within a habitat conservation plan.

k. A site that would require demolition of (a) housing subject to recorded rent restrictions, (b) housing subject to rent control, (c) housing occupied by tenants within the past 10 years, or (d) a historic structure placed on a local, state or federal register.

Rationale: The project site is currently undeveloped and would not require the demolition of any structures.

l. A site that previously contained housing occupied by tenants within the past 10 years.

Rationale: The project site is currently undeveloped and has not been occupied by tenants within the past 10 years.

m. A parcel of land governed by the Mobilehome Residency Law, the Recreational Vehicle Park Occupancy Law, the Mobile home Parks Act, or the Special Occupancy Parks Act.

Rationale: The project parcel is undeveloped and is not governed by the Mobilehome Residency Law, the Recreational Vehicle Occupancy Law, the Mobilehome Parks Act, or the Special Occupancy Parks Act.

4.10 Has the project proponent certified that either the entire development is a “public work” for purposes of prevailing wage law or the construction workers will be paid at least prevailing wage?

Rationale: The project applicant has certified that all construction workers employed in the execution of the development will be paid at least prevailing wage rates.